THE HON'BLE SMT JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No. 14348 of 2007

ORAL ORDER:
(per T. Meena Kumari, J)

The Writ Petition is filed seeking to quash the orders passed by the learned A.P. Administrative Tribunal, Hyderabad passed in O.A.No.10438 of 2002 dated 21.7.2006.

Brief facts of the case are that:

Petitioners herein are the respondents and Respondent herein is the Applicant before the tribunal. For the purpose of convenience, the parties as arrayed before the tribunal are referred to hereinafter. Respondent herein filed O.A.No.10438 of 2002 before the tribunal for quashing of Memo No.78141/Vig.I(2)/99-7, dated 18.9.2001 and the consequential memo of the 2nd respondent in No.X5/24199/01 dated 4.10.2001 and the consequential proceedings No.S/5345/2001 dated 31.8.2002 issued by the 3rd respondent and further consequential proceedings No.964-E/2002 dated 21.10.2002 issued by the 4th respondent. Application is a Section Writer in the office of the District Registrar of Assurances, Anantapur and she was placed under suspension and she was facing prosecution in connection with a case under Sections 7,11,13(1)(d) r/w 13(2) and Section 12 of Prevention of Corruption Act, 1988 and Section 120-B of the Indian Penal Code. After hearing both the parties and considering the material placed before it, the learned tribunal has allowed the O.A. with the following observations and directions:

"Held that the impugned Memo No.78141/Vig.I(2)/99-7, dated 18.9.2001 issued by the 1st respondent is violative of the

principles of natural justice as well as the provisions of the A.P.C.S. (CC&A) Rules. Hence, the said Memo cannot stand the scrutiny of Law. As a result, the consequential proceedings issued by the 3rd and 4th respondent, directing the recovery of the salary of the applicant through the impugned proceedings are also liable to be set aside since, they are based on the order of the Government dated 18.9.2001. In the circumstances, the O.A. is allowed and the impugned orders dated 18.9.2001 are set aside. However, it is made clear that this order does not preclude the respondents for taking such action, as may deem fit, strictly in accordance with law."

Challenging the said order, the Government has preferred the present Writ Petition seeking to quash the orders of the learned A.P. Administrative Tribunal.

Heard both sides.

We have perused the entire material placed before this Court. As can be seen from the records, the applicant has challenged the impugned proceedings of the respondents for recovery of the salary of the applicant. The learned tribunal after hearing the parties has set aside the impugned proceedings dated 18.9.2001 with an observation that the order of the tribunal does not preclude the respondents for taking such action as may deem fit, strictly in accordance with law. Under these circumstances, we do not find any illegality or irregularity in the order passed by the learned Tribunal.

Accordingly, the Writ Petition is dismissed.

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T. MEENA KUMARI, J

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G. CHANDRAIAH, J

10.7.2007

CHV